

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
HONORABLE H. LEE SAROKIN

ROSE D. CIPOLLONE and - - - - - :
ANTONIO CIPOLLONE, her
husband, :

Plaintiffs, :

- vs - :

LIGGETT GROUP, INC., A :
Delaware Corporation, PHILIP
MORRIS, INCORPORATED, A :
Virginia Corporation, LOEWS
CORPORATION, A Delaware :
Corporation, and LOEWS'
THEATRES, INC., A New York :
Corporation, :

Defendants. :
- - - - -

CIVIL ACTION

NO. 83-2864 SA

Property of: Ness, Motley
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Charleston, SC

Deposition of DONALD E. MOTT, witness of
lawful age, taken on behalf of the Plaintiffs in
the above-entitled cause, wherein ROSE D. CIPOLLONE
and ANTONIO CIPOLLONE are the Plaintiffs and LIGGETT
GROUP, INC., ET ALS, are the defendants, pending in
the United States District Court for the District of
Northern New Jersey, before COLIN J. DUFFY, a Notary
Public of the State of New Jersey, on Wednesday,
October 30, 1985, at the office of MESSRS. GREENBAUM,
ROWE, SMITH, RAVIN, DAVIS & BERGSTEIN, Engelhard
Building, Woodbridge, New Jersey, commencing at 10:24
in the forenoon pursuant to Notice and pursuant to the
Rules of Civil Procedure in Federal Cases.

A P P E A R A N C E S :

MESSRS. PORZIO, BROMBERG & NEWMAN
BY: CYNTHIA A. WALTERS, ESQ.
Attorneys for the Plaintiffs

KNARR - RICHARDS, ASSOCIATES

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1 MESSRS. GREENBAUM, ROWE, SMITH, RAVIN, DAVIS
2 & BERGSTEIN

3 BY: ALAN S. NAAR, ESQ.

4 Attorneys for Liggett Group, Inc., A Delaware
5 Corporation

6 - and -

7 MESSRS. WEBSTER & SHEFFIELD (New York Bar)

8 BY: FRANCIS K. DECKER, JR., ESQ.

9 MESSRS. BROWN, CONNERY, KULP, WILLE, PURNELL
10 & GREENE

11 BY: W. THOMAS McBRIDE, ESQ.

12 Attorneys for Defendant Philip Morris

13 - and -

14 MESSRS. SHOOK, HARDY & BACON (Missouri Bar)

15 BY: STEVEN C. PARRISH, ESQ.

16 MESSRS. SILLS, BECK, CUMMIS, ZUCKERMAN, RADIN,
17 TISCHMAN & EPSTEIN

18 BY: JAY L. WILENSKY, ESQ.

19 Attorneys for Defendant Loews Theatres, Inc.

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COLIN J. DUFFY
Certified Shorthand Reporter
License No. 760

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I N D E X

WITNESS

DIRECT

DONALD E. MOTT

By: Ms. Walters

3

E X H I B I T S

Number

Description

Identification

P-1

Master list of names of
employees files

83

D O N A L D E. M O T T, [DELETED]
[DELETED] being duly sworn,

testified as follows;

DIRECT EXAMINATION BY MS. WALTERS:

Q Mr. Mott, my name is Cynthia Walters. I represent the plaintiffs in this case in which you have been subpoenaed, or I guess in which your deposition has been noticed. Have you ever been deposed before?

A Yes.

Q Okay. So have you had a chance to talk to an attorney about the nature of a deposition before this moment?

A Yes.

Q So you understand that it is a proceeding under oath?

A Uh-huh.

Q If you have any questions or if you don't understand something that I ask you, please let me know. If you do answer a question, I'm going to assume that you've understood it.

One of the rules is that you must answer out loud so that the court reporter can take down your response.

A Yes, ma'am.

Q Mr. Mott, you've indicated that you have been deposed before. How many times have you been deposed before?

A One.

Q And was that an action in which you were a

Mott - Direct

4

1 party? A No. It was similar
2 to this in the sense I had to bring some personnel
3 records and just testify that the records were our
4 records.

5 Q And those personnel records were personal
6 records of Liggett? A Yes.

7 Q What kind of action was that?
8 A I don't really know.

9 Q Do you know if it involved cigarette liti-
10 gation? A No, I don't.

11 Q Do you know the name of the action?
12 A No.

13 Q Do you know when the deposition was?
14 A Last spring sometime. It was a former employee
15 and he was, apparently had some squabble with a present
16 employer in Florida some place and I don't know anymore
17 than that because the man that took the deposition didn't
18 know either. He was acting on behalf of some other
19 law firm.

20 Q What is your present position with Liggett?
21 A Vice president of Employee Relations.

22 Q I had been given some information that
23 your title is vice president and director of Personnel.
24 That's incorrect information? A That's
25 incorrect.

Mott - Direct

5

1 Q That was not a former title that you had?

2 A I had been vice president of Personnel and I had
3 been director of Personnel.

4 Q But right now you're vice president of
5 Employee Relations? A That's correct.

6 Q How long have you been employed in that
7 capacity, with that title? A With
8 that title?

9 Q Yes. A Since February
10 of this year.

11 Q Could you give me a synopsis of your
12 educational background? A I'm a
13 graduate of the University of Maine, business administra-
14 tion major.

15 Q What year did you graduate?
16 A 1956.

17 Q Have you had any other educational courses,
18 training, degrees? A No degrees,
19 but I've attended a number of training programs over the
20 years.

21 Q Is that in connection with your employment
22 with Liggett? A Yes.

23 Q Just give me the inclusive dates that you've
24 been employed by Liggett in any capacity.

25 A December 27th, 1972 to present.

1 Q What sort of training programs have you
2 been involved in since 1972?

3 MR. DECKER: Is that in the company or
4 outside the company?

5 Q Well, let's do it inside the company.

6 THE WITNESS: I would say that, it's hard
7 to be specific. I've been to a number of them.
8 Safety performance appraisal process, interviewing,
9 things that relate to my job.

10 Q Were these all programs that were sponsored
11 or offered by Liggett? A Yes.

12 Q Any others that you can think of?

13 A Not offhand.

14 Q Have you been to any training programs
15 outside of Liggett? A Yes, over the
16 years I have.

17 Q And I'm talking about the years since 1972.
18 What type of programs have you attended?

19 A Frankly, I don't remember. I've been to several
20 AMA seminars on again various personnel subjects, but
21 I don't particularly remember the names of them.

22 Q When you say personnel subjects, what do
23 you mean? A Things like performance
24 appraisals, safety.

25 Q Interviewing, that sort of thing?

1 A Interviewing, yes.

2 Q Have you been to any AMA seminars on
3 dealing with the subject of cigarettes and health?

4 A No.

5 MR. DECKER: I think we ought to clarify
6 what AMA stands for.

7 THE WITNESS: American Management Associa-
8 tion.

9 Q Right. I immediately assumed it was the
10 American Medical Association.

11 To your knowledge has Liggett, during your employ-
12 ment there from 1972 through the present, offered any
13 in-house training programs that dealt in any way with
14 cigarette health? A No.

15 Q Cigarettes and health rather. What is
16 your date of birth? A January 16th,
17 1935.

18 Q And where were you born?
19 A Brooklyn, New York.

20 Q And when did you graduate from high school?
21 A 1952.

22 Q I assume you went right to college from
23 there? A I did.

24 Q What was your first employment experience
25 after you graduated from the University of Maine?

1 A Two years with Uncle Sam in the Army.

2 Q Okay. Where were you stationed?

3 A Fort Sill, Oklahoma and Fort Carson, Colorado.

4 Q Before you were in the Army where did you
5 live? A [DELETED]

6
7 Q Did you always live in the New York area
8 from the time of your birth until you went into the Army?

9 A Yes.

10 Q After you got out of the Army where did
11 you live? A Initially I went back
12 to [DELETED] and then in January of '59 I accepted
13 employment with Sealtest Foods [DELETED]
14

15 Q Between the time that you got out of the
16 Army or you were discharged from the Army and you went
17 to work for Sealtest Foods were you employed by anybody
18 else? A No.

19 Q Okay. Was there a period of time there
20 where you were unemployed? A Yes.

21 Q How long a period is that?

22 A I was discharged in October and hired in January.
23 So it's three-and-a-half months or whatever.

24 Q And where were you employed by Sealtest?
25 Where did you live during your employment?

1 A A variety of places, but the cities were

2 [DELETED]

3 Q Let's start at the beginning. What
4 capacity were you hired by Sealtest? What was your job
5 title?

6 A I was hired in their
7 sales training program and spent about two years in that,
8 in a variety of assignments.

9 Q What were those two years, 1956?

10 A No, '59.

11 Q I'm sorry. A '59
12 and '60.

13 Q Okay. And where did you live during those
14 two years? A In Philadelphia.

15 Q And what did that work in sales training
16 involve? A In sales what?

17 Q Training. A Oh, sales
18 training. Well, I was a sales trainee by title, okay?

19 Q Okay. A I spent about
20 five or six months delivering milk. I spent another five
21 or six months as a white collar salesman and I spent
22 about a year as a sales supervisor of milkmen.

23 Q What was your next job with Sealtest?

24 A I became a personnel assistant.

25 Q Is that in 1960?

A I, would be, I would guess, around 1961.

1 Q And how long were you employed in that
2 capacity? A I can't really tell

3 you. I mean it was less than a year, I would say.

4 Q And where were you employed in that
5 capacity, still in Philadelphia?

6 A Still in Philadelphia.

7 Q Okay. And what did that job involve?

8 A Recruiting.

9 Q Recruiting salesmen?

10 A Recruiting anything.

11 Q I assume recruiting individuals?

12 A Yes.

13 Q Recruiting individuals as employees of
14 Sealtest? A Yes.

15 Q For any kind of job capacity?

16 A Yes.

17 Q Okay. What was your next job with Sealtest?

18 A I became a, I'm not sure of the title, but a, it
19 basically was a plant personnel manager, again in
20 Philadelphia.

21 Q How long were you in that capacity?

22 A I would guess several years, two or three years.

23 Q And what did that job involve?

24 A Again, recruiting blue collar, white collar
25 employees, training, labor relations, grievances, salary

1 administration, so forth.

2 Q What was your next job title?

3 A Similar title, different place, Baltimore,
4 Maryland. I may have been director of Personnel at that
5 time, but basically it was the same kind of a job.

6 Q Still with Sealtest?

7 A Oh, yes.

8 Q And how long were you in Baltimore,
9 Maryland, in that capacity as director?

10 A Two or three years.

11 Q Is that around 1970?

12 A No. I would say it's going to be earlier than
13 that.

14 Q Okay. What was your next job?

15 A Let me, if you want to know the dates, it was in
16 '66 or '67, somewhere in that area.

17 My next job was director of Personnel for Breyers
18 Ice Cream back in Philadelphia.

19 Q Was there any difference between your job
20 function as director of Personnel of Breyers?

21 A No, basically the same function. It's just a
22 different, it was ice cream instead of milk and more
23 factories.

24 Q How long were you employed as director of
25 Personnel by Breyers in Philadelphia?

1 A Two or three years.

2 Q What was your next job title?

3 A I was a regional personnel manager.

4 Q At Breyers? A They
5 combined milk and ice cream.

6 Q When that was at Breyers?

7 A No. I was physically located in, yes, at Breyers,
8 yes. My office was at Breyers.

9 Q Were you employed by Breyers at that time?

10 A No. I was employed, it was still Sealtest.
11 Breyers is a division of Sealtest, so it's still all
12 Sealtest.

13 Q Okay. So you were actually not employed
14 specifically by Breyers at that time?

15 A Well, I was, it was the Breyer Division of
16 Sealtest.

17 Q Right. A Okay.
18 But I was still under the Sealtest umbrella.

19 Q How long were you in that capacity?

20 A I'm going to say a year.

21 Q And what was your next job?

22 A The last job I had there was again a region
23 personnel manager which included not only the Philadelphia,
24 Baltimore, New York area, but also upstate, New England,
25 New York, upstate New York. It was the same kind of a

1 job.

2 Q And that was for approximately how long?

3 A About a year.

4 Q And that is the job that immediately
5 preceded your employment with Liggett?

6 A That's correct.

7 Q What did your job as regional personnel
8 manager involve at Breyers? A I had
9 seven operating facilities, we called them districts
10 that were sales offices and manufacturing facilities,
11 and I provided the personnel expertise to the management
12 there and the personnel managers that were on site.

13 Q When you were hired by Liggett what was
14 your first job title with Liggett?

15 A Director of Marketing Personnel.

16 Q And how long were you in that capacity?

17 A About two, two-and-a-half years.

18 Q And was that in Durham, North Carolina?

19 A No. It was in New York City. Well, it was both
20 really. It started in New York. We moved to Durham in,
21 about a year later.

22 Q Okay. When you first started with them
23 did they have any marketing facilities in New York?

24 A Yes.

25 Q Did they also have marketing facilities

1 in North Carolina?

A No.

2 Q And then in about a year they moved their
3 marketing facilities to North Carolina?

4 A Yes.

5 Q And was the Personnel part of Marketing
6 that you were working in?

A Yes.

7 Q And was that subsumed in the Marketing
8 Department?

A Was that what?

9 Q Subsumed within the Marketing Department?

10 A I don't know subsumed.

11 Q Well, was there such an entity or division
12 called Marketing Personnel?
13 the director of Marketing Personnel which meant that I
14 provided personnel services to the Marketing and Sales
15 Department.

A I was

16 Q Was there a Marketing Personnel Department?

17 A I was it.

18 Q You provided personnel to the Marketing
19 and Sales Department?
20 correct.

A That's

21 Q Were the Marketing and Sales Department
22 separate back in 1972?
23 reported to the same man.

A They

24 Q Were they considered separate departments?

25 A Yes.

1 Q Were the Marketing and Sales Departments
2 both in New York when you were first hired?

3 A The headquarters of the Sales Department were
4 located in New York as were all of the Marketing Depart-
5 ment, as was all of the Marketing Department.

6 Our Sales organization were spread throughout
7 the country.

8 Q Okay. And just so I'm clear, when you
9 say your job title is director of Marketing Personnel,
10 does the term Marketing also include sales?

11 A Yes.

12 Q Although they were two separate departments,
13 the term was used generally to cover both?

14 A That's correct. I reported to the man that was
15 responsible for both those departments.

16 Q What was his name?

17 A Arthur E. Slote.

18 Q Is he still employed by Liggett?

19 A No, he's not.

20 Q Do you know, is he still alive?

21 A Yes.

22 Q Do you know where he lives?

23 A No, I do not.

24 Q Do you know when he was last employed by
25 Liggett?

A No.

1 Q What was your next title after director
2 of Marketing? A Director of
3 Personnel.

4 Q And that was in Durham?
5 A Yes.

6 Q And how many years were you director of
7 Personnel? A I think in 1976 or
8 so I became vice president of Personnel. The duties
9 were the same. The titles changed.

10 Q So from approximately 1974 to '76 you were
11 director of Personnel and from 1976 until today--

12 A To the beginning of this year when I became vice
13 president, Employee Relations.

14 Q What did your job as director of Personnel
15 involve? A The normal things
16 that you would think of in Personnel, recruiting, training,
17 safety, job evaluation, position descriptions, any various
18 administrative things of that nature.

19 Q Was that a broader position than your
20 position as director of Marketing Personnel?

21 MR. DECKER: Broader in what sense?

22 Q Well, broader in the sense that were you
23 at that point recruiting and training for employees
24 beyond those in the Marketing and Sales Department?

25 A Yes, I was. Yes. When I became director of

1 Personnel, I was director of Personnel for the company
2 as opposed to just the Sales and Marketing Department.

3 Q So were you involved in the hiring,
4 recruiting and training of all employees throughout the
5 entire company? A Yes, though
6 indirectly with the employment of hourly people, factory
7 workers.

8 Q Who was directly involved with the train-
9 ing of the hourly employees? A The
10 hiring?

11 Q Right, and training.
12 A The factory personnel manager.

13 Q Did you remain a one man essentially
14 department during your first two-and-a-half years when
15 you were director of Marketing Personnel, or did you at
16 any time get an assistant or anybody else?

17 A The early years I was a one man show, yes. But
18 then the department grew over time.

19 Q During the time when you had the title of
20 director of Marketing Personnel or after your title
21 changed? A After the title
22 changed.

23 Q Okay. So during the first two-and-a-half
24 years when you were director of Marketing Personnel you
25 were the sole person in that department?

1 A Yes, with a half a secretary.

2 Q When you became director of Personnel,
3 was that a new position that was developed?

4 A Yes.

5 Q There was nobody who was director of
6 Personnel before you? A There
7 was nobody who was director of Marketing Personnel
8 before me.

9 Q Do you know why that position, director
10 of Marketing Personnel, was created?

11 A They wanted some personnel support to do the kind
12 of work that I did.

13 Q How had they, do you know how they had
14 recruited personnel before they had a director of
15 Marketing Personnel? A It was
16 done by local management.

17 Q Do you know why they created the position
18 director of Personnel in approximately 1974?

19 A No.

20 Q Did you have a staff at that point?

21 A Not initially.

22 Q At some point during the two year period
23 when you were director of Personnel did you acquire an
24 assistant or other staff? A Yes.

25 Q When was that? A I don't

1 know.

2 Q How many staff did you acquire?

3 A I, two or three people. I don't really remember.

4 Q What were their job titles?

5 A I don't know.

6 Q What was their role?

7 A They assisted me.

8 Q They worked directly under you?

9 A Yes.

10 Q What were their names?

11 A Andrea Hunt and I don't remember the names of
12 the other ones.

13 Q From 1976 to approximately 1985 when you
14 were vice president of Personnel did your job change?

15 A Not basically, no.

16 Q So it was essentially the same job with
17 a higher title? A Yes.

18 Q Did the number of staff that you had under
19 you change? A Yes.

20 Q I assume there were more?

21 A More.

22 Q How many staff people worked with you
23 between 1976 and 1985 in your capacity as vice president
24 of Personnel? A I don't remember.

25 Q But there were more than two or three?

1 A Uh-huh.

2 Q Do you remember the names of any of those
3 individuals other than Andrea Hunt?

4 A I remember names, but I'm not sure what time
5 frame they were.

6 Q Well, they were during the period of 1976
7 to 1985. Is that correct? A Yes.

8 Q What were their names?

9 A Carol Simmons, Wanda Edens, Rebecca Simms, Clyde
10 Baulkum, Frank Campbell, Elizabeth White, Mrs. Ackerman,
11 Vicky Ackerman. I can't recall any others.

12 Q All of these people were assistants to
13 you? A Yes.

14 Q Why was there an increase in staff from
15 1974 to the '76 period to the 1976 to '85 period when
16 you became vice president of Personnel?

17 MR. DECKER: I don't understand. Could
18 you--

19 Q Well, I believe you testified that between
20 1974 and 1976 when you were director of Personnel you
21 had two to three assistants. A (Witness
22 nods in the affirmative.)

23 Q And you have listed between 1975 and 1986
24 nine names that you can recall.

25 A Okay. First of all, you've assumed that those are

1 additional people and they're not. Some of them were
2 replacements for people who were promoted or left the
3 company.

4 Q So there was some turnover?

5 A Sure. But by enlarge the answer to your question
6 is the Personnel, as I've explained to you, was a new
7 department.

8 Q Right. A And we
9 were doing more and more and more things as people became
10 accustomed to what we could do for them.

11 Q So the numbers reflect some turnover and
12 some increase? A Yes.

13 Q Can you tell me when you say you were
14 doing more and more, what it was that you were doing
15 more of? A More of the things
16 that I've listed before, recruiting, safety and so forth.

17 Q Were you performing more functions or just
18 functions on a broader scale?

19 A More functions and more functions on a broader
20 scale.

21 Q What were the functions that were added?

22 A Well, let me explain it to you this way. When
23 you have a department that's been, that's been operating
24 for twenty or thirty years without a personnel profession-
25 al, they have their own ways of doing things. So when

1 you start to carve out a niche, you take the first inch
2 and then you do that and then you take the second inch,
3 and over a time you get a foot and over time you get a
4 yard and so forth, and that's what in effect I've been
5 doing since I join^{ed} the company.

6 Q So you were taking over more and more of
7 the-- A Yes.

8 Q --responsibility from the individual
9 management? A That's correct.

10 Q Other than recruiting, training, safety,
11 job evaluation, which you already indicated was part of
12 your function as director of Personnel, was there any-
13 thing else added when you became vice president of
14 Personnel? A There was some sub-
15 sequent additions in 1979 where I picked up some admin-
16 istrative responsibilities.

17 Q And what did that involve?
18 A The management of such things as our mailroom,
19 our janitors, the factory personnel manager began to
20 report to me at that time, and I also had an employee
21 who wrote our company newspaper.

22 Q So the company newspaper came under your
23 management? A (Witness nods in the
24 affirmative.)

25 Q That was in 1979? A Yes.

1 Q Who was the employee who wrote the company
2 newspaper? A Carole Jova, J-o-v-a.

3 Q Had there been a company newspaper before
4 1979? A Yes.

5 Q Do you know how long that had been in
6 existence? A No.

7 Q Do you know the name of the newspaper?
8 A The Tobacco News.

9 Q What type of paper was that, just essen-
10 tially a-- A Just a company house
11 organ that told stories about what was going on in the
12 company and what employees were doing and so forth.

13 Q Do you recall during the time that you
14 worked for Liggett whether there were ever any articles
15 about cigarette and health related issues?

16 A No, I do not.

17 Q You don't remember?

18 A No, I do not remember.

19 Q Do you save copies of the back issues of
20 those employee newspapers? A No, ma'am.

21 Q Do you save copies of the issues that have
22 been published since 1979 when it came under your control?

23 A Yes.

24 Q Where are those kept?

25 A In Durham.

1 Q Is that part of your office? Are they
2 kept in your office? A Well,
3 they would be more likely kept with Carole Jova. We
4 don't formally keep them, but I'm assuming that there
5 are some back copies.

6 Q Now, in 1985 when your title changed to
7 vice president of Employee Relations, did your job
8 function change? A No.

9 Q Have you added any new staff other than
10 the people that you've already mentioned?

11 A Yes. In 1984 we established in Durham an
12 Employee Benefits Department.

13 Q And you hired staff for that department?

14 A Yes.

15 Q Is that also part of your responsibilities,
16 the Employee Benefits Department?

17 A Yes.

18 Q I assume there had been employee benefits
19 before 1984? A Yes.

20 Q But there was just no formal department
21 for you? A There was no formal,
22 there was no department at all in the tobacco company.

23 Q Was there a company policy on employee
24 benefits, do you know, for 1984?

25 A What do you mean policy?

1 Q Companywide policy that employees would
2 be given certain benefits on a broad scale.

3 A Yes.

4 Q And who set the policy with respect to--

5 A The corporation did. The corporation had an
6 Employee Benefits Department that serviced various sub-
7 sidiaries.

8 Q In other words, the Employee Benefits
9 Department existed before 1984. It just was not under
10 your management?

11 A The, yes, it
12 was a corporate function.

13 Q But it was or was it a formalized depart-
14 ment?

15 A Yes.

16 Q Who was responsible for employee benefits
17 before 1984?

18 A Do you mean who was
19 the benefits manager?

20 Q If there was such a title, yes.

21 A His name was Max Stacey.

22 Q S-t-a-c-e-y? A S-t-a-
23 c-e-y.

24 Q Is he still with the company?

25 A He's still with the corporation, yes.

Q And how long was he the Employee Benefits
manager?

A I don't know.

Q Do you know who he reported to?

1 A He reported to Alan Welty.

2 Q And what was Alan Welty's title?

3 A Something like director of Benefits and Compensation.
4

5 Q And who did Mr. Welty report to?

6 A Harry Dawley.

7 Q And what was his title?

8 A It's currently vice president, Employee Relations.

9 Q What was it then?

10 A I think it was vice president, Personnel, but I'm
11 not certain. Same duties.

12 Q Did Harry Dawley work under you?

13 A No, ma'am.

14 Q Was there a separate Personnel Department
15 other than the department you were working in?

16 A There was for the corporation, yes.

17 Q When you say the corporation, what are
18 you referring to? A The corporation
19 at that time was called, titled Liggett Group. It is now
20 known as Grand Met U.S.A.

21 Q And the part of the corporation that you
22 were employed by was called what?

23 A Liggett Myers Tobacco Company.

24 Q You've always been employed by Liggett
25 Myers Tobacco Company as opposed to Liggett Group?

1 A Well, I'm not sure I can give you good dates,
2 but it was in the last, within the last two or three
3 years, we are officially Liggett Group. That's our legal
4 name, though we trade under the Liggett Myers Tobacco
5 Company.

6 Q Liggett Group is just a successor name
7 to Liggett Myers Tobacco Company. It's the same entity.
8 Is that correct? A I'm sorry.

9 Q Is Liggett Group the same entity as
10 Liggett and Myers Tobacco Company was?

11 A Yes.

12 Q And all employees of Liggett and Myers
13 Tobacco Company and Liggett Group now are all involved
14 in the, in the field of tobacco, sales, marketing and
15 so forth. Is that correct?

16 A Yes, it is.

17 Q But Grand Met, as I understand it, is a
18 larger, more diversified company?

19 A That's correct.

20 Q And is it correct then that before 1984
21 employee benefits were handled at a broader scale by,
22 through Grand Met? A That's correct.

23 Q Or the parent corporation?

24 A Yes. With one exception and that is that we, and
25 it's really just a little piece of it, we in Durham were

1 the initial receipt of medical claims and I had a person
2 on my staff who just made sure that they were completed
3 administratively properly, that they had the receipts
4 and the right forms and then they were sent to Montville,
5 to the Corporate Headquarters.

6 Q Okay. A That's the
7 only--

8 Q So you would essentially process medical
9 claims and then send them on?

10 A I don't, I don't agree with the word process.

11 Q Okay. A We received
12 them and put them in the mail, made sure they were okay
13 and put them in the mail. They processed them.

14 Q You acted as a mailman essentially for
15 the broader corporation Grand Met?

16 A Yes.

17 Q Why is it that the employee benefits has
18 moved over to your responsibility as opposed to being handle
19 at a larger corporate scale?

20 A Because it made more sense to, well, the corpora-
21 tion has indicated that it would like to get out of the
22 tobacco business and put their money in other areas, and
23 so we have been trying to get our companies set up to
24 operate independently.

25 Q So there are other functions that are being

1 taken over by the, by Liggett Group?

2 A Yes.

3 Q Did you have any input or involvement in
4 any way in setting employee benefits and the policy for
5 benefits from 1984? A No.

6 Q Do you now? A Yes.

7 Q In what way? A I'm in
8 the position to recommend to management programs which
9 we think are appropriate for the changing needs of
10 employees.

11 Q Have you recommended any since you've
12 taken over? A There are, no.

13 Q You have something in the works but you
14 haven't recommended anything?

15 A That's correct.

16 Q Are you familiar with what the employee
17 benefits program was with respect to the Liggett employees
18 before 1984, when you took over the function?

19 A Yes.

20 Q Did the employee benefits, did they vary--

21 A No.

22 Q --between Liggett and Myers and the rest
23 of the company? A Well, the

24 corporation two or three years ago varied their pension
25 program, I mean the way it's calculated, but essentially

1 the benefit programs are identical.

2 Q And the benefit program included pension?

3 A Pension.

4 Q What else, medical?

5 A Medical, life insurance, travel insurance.

6 Q Anything else? A And a
7 profit sharing scheme.

8 Q What does the medical program involve?

9 A Provided reimbursement for certain medical
10 expenses to employees and their dependents.

11 Q Did the company have medical insurance
12 to cover this? A Yes.

13 Q And who was their medical insurer before
14 1984? A It was and is Metropolitan
15 Life.

16 Q Was there ever a period of time that you
17 can recall when they had some other insurance company
18 other than Metropolitan Life Insurance?

19 A No.

20 Q How about life insurance, who was the life
21 insurance company preceding 1984?

22 A The same.

23 Q Metropolitan? A Yes.

24 Q Same question, was there ever any period of
25 time that you can recall when the insurance was written

1 by anybody other than Metropolitan Life?

2 A No.

3 Q Okay. Are you currently familiar with
4 the policies? A Somewhat.

5 Q The medical and the life insurance?

6 A Just superficially.

7 Q Okay. Were you superficially familiar
8 with them before 1984? A Yes.

9 Q Do you know whether any of the insurance
10 policies contain any sort of payment graduation scheme,
11 depending on whether an employee smokes?

12 A They do not.

13 Q You know that, that they do not?

14 A Yes.

15 Q Okay. How do you know that?

16 A I just know it.

17 Q Is it something that you look for specific-
18 ally? A No.

19 Q Is it something that somebody told you?

20 A I think if there was any sort of proviso for
21 smokers or nonsmokers, I would know about it.

22 Q Why? A I just think
23 it would have come up because I've read about it in other
24 places.

25 Q Where have you read about it?

1 A I don't know.

2 Q Do you remember when you read about it in
3 other places? A No.

4 Q Was it before 1984?

5 A I don't know.

6 Q Are any of the employees of Liggett Group,
7 L&M, Liggett and Myers, given product, free products or
8 discounts on products? A Yes.

9 Q Is that part of the benefit program or
10 would that be handled through a different department?

11 A It would, it's handled through the factory.

12 Q Would that be the Production Department
13 or what department would that--

14 A Manufacturing Department.

15 Q Do they set up their own program?

16 A I'm sorry.

17 Q In terms of discounts or free products,
18 do they set up their own program or is it something that
19 comes from upper level management?

20 A It's been a practice in the company for as long
21 as I've been there to provide employees a pack of cigarettes
22 a day.

23 Q Is that any and all employees?

24 A Yes.

25 Q Do you know who set the policies for that

1 policy?

A No, I do not.

2 Q Is it up to the employee as to which brand
3 of cigarettes they make? A Yes.

4 Q How do the employees get the cigarettes?
5 A They're delivered to them through our mailroom.

6 Q And that is something that's currently
7 under your supervision, isn't it?

8 A Yes.

9 MR. DECKER: That is the mailroom is under
10 your supervision?

11 THE WITNESS: The mailroom.

12 Q Exactly. Are you involved in the distribu-
13 tion of the cigarettes? A No.

14 Q So that function of the mailroom is not
15 under your supervision? Maybe I misunderstood you. I
16 thought you said you are responsible for the mailroom as
17 a part of your-- A That's correct.
18 They report to one of my managers, correct.

19 Q And the cigarettes are delivered through
20 the mailroom to the employees?

21 A That's correct.

22 Q Then I thought you said you weren't respon-
23 sible or involved with the delivery of the cigarettes to
24 the employees? A Well, I am not.

25 Q But are you the manager for that function?

1 A Indirectly, yes.

2 Q Okay. How are they delivered to the
3 employees currently?

4 A I don't under-
stand the question.

5 Q Well, does a mailroom employee walk around
6 everyday and deliver a package of cigarettes?

7 A Yes.

8 Q Throughout the whole facility?

9 A That's correct.

10 Q Does he have a cart?

11 A I don't know.

12 Q Is there one employee who does that func-
13 tion?

14 A I don't know.

15 Q Do you know if it takes more than one
16 employee to fulfill that function?

17 A I don't know.

18 Q Do you know how many cigarettes are given
19 to employees on a daily basis?

20 A No.

21 Q Do you know how many employees of Liggett
22 and Myers or Liggett Group smoke cigarettes?

23 A No.

24 Q Do you know if any records are kept as to
25 how many employees smoke cigarettes?

A No.

1 Q Do you know if any records are kept as to
2 how many cigarettes are given to employees free?

3 A There must be some record, but I don't know just
4 how it's kept.

5 Q Who would keep those records?

6 A I don't know.

7 Q Would that be within your department?

8 A I don't, no.

9 Q Wouldn't records be kept in the mailroom
10 by the mailroom? A I don't think
11 so, no.

12 Q Who would have this information if we
13 wanted to find out who kept these records? Who would we
14 go to? A The individual that would
15 know, his name is Jack Medley.

16 Q And what is his title?

17 A Manager of Administrative Services.

18 Q And is his office in Durham?

19 A Yes.

20 Q Are free cigarettes given to members of
21 employees' families? A No.

22 Q Are any discounts given for purchase of
23 cigarette products? A No.

24 Q Are you involved with setting any policy,
25 rules, regulations regarding the smoking of cigarettes

1 within the plant facility? That would include the
2 manufacturing facility as well as the offices.

3 A No.

4 Q Is there somebody who is responsible for
5 setting a policy on that? A No.

6 Q Is there a policy on that?

7 A Not to my knowledge.

8 Q Do you know if there are designated no
9 smoking areas in parts of the--

10 A Yes, in the factory there are.

11 Q Do you know who sets those areas?

12 A Not specifically, no.

13 Q Do you know why there are no smoking areas
14 in the factory? A Usually cases
15 where it's, there are flammable substances.

16 Q Are there any other areas which are design-
17 nated no smoking areas other than areas where there are,
18 flammable substances might be used?

19 A Not that I'm aware of.

20 Q Is there any grievance procedure for
21 employees? A Yes.

22 Q Is that something that's under your control,
23 management? A Part of it is and part
24 of it isn't. The, by, our labor agreement has a grievance
25 procedure written into the contract and that contract is

1 administered by manufacturing management. The part that
2 I would get involved in is a policy which basically
3 relates to if an employee has a grievance that they
4 can't resolve with their supervisor, why, they're en-
5 couraged to turn to the Personnel Department.

6 Q Does that happen?

7 A It has happened.

8 Q Has that happened in, say, the past year?

9 A Yes.

10 Q With what frequency does that happen?

11 A I can think of two instances where it's happened
12 and both of the cases were involved with sexual harass-
13 ment or alleged sexual harassment.

14 Q Those were the two cases in the past year?

15 A (Witness nods in the affirmative.)

16 Q Approximately what frequency has that
17 happened before, say, the past year, about the same?

18 MR. DECKER: Now, do you want to define,
19 what is that mix?

20 Q I'm sorry, I don't mean sexual harassment.
21 I mean with what frequency have individuals come to
22 Personnel because they can't resolve a problem with their
23 superior? A About the same.
24 There are very few.

25 Q Approximately twice a year?

1 A Yes.

2 Q What have been the nature of the other
3 grievances? A The same kind of
4 thing.

5 Q So almost all the time it's claims of
6 sexual harassment? A Sexual harass-
7 ment or in some cases allegedly discrimination of some
8 sort or another.

9 Q When you talk about a labor agreement, is
10 there a labor union? A Yes.

11 Q What is the labor union?
12 A There are several. Tobacco Workers is our
13 principal one.

14 Q And what are the others?
15 A Machinists and Teamsters.

16 Q Do you keep track of the kind of grievances
17 that are related by the employee to their superiors or
18 supervisors but do not come to personnel?

19 A No.

20 Q Are you ever given any report, any informa-
21 tion about the nature of those grievances?

22 A No.

23 Q Now, I take it from your testimony so far
24 that you're involved in some way, either directly or as
25 a manager, through people that work for you, with the

1 hiring, recruitment, training of all personnel for
2 Liggett and Myers and Liggett Group?

3 A Yes, directly or indirectly.

4 Q Is there any general recruitment policy?

5 MR. DECKER: What did you mean by that?

6 Q Well, is there a written recruitment
7 policy? A There is a written

8 policy which states our position with regard to discrimi-
9 nation.

10 Q Is that the only recruitment policy that
11 you can think of that exists that is written?

12 A Yes, as far as I know.

13 Q All right. If you could just briefly go
14 through and tell me a little bit about the structure of
15 Liggett and Myers and Liggett Group, the breakdown of the
16 departments that exist. A There

17 are three major departments, an Operations Department,
18 Sales and Marketing Department, and a Finance Department,
19 and to a lesser extent then there is the Personnel
20 Department, Employee Relations Department.

21 Q Personnel and Employee Relations are the
22 same? A Yes.

23 Q During the time that you've been with
24 Liggett since 1972 has this structure remained in tact?
25 Are these the same divisions? A Same

1 major departments?

2 Q Yes.

A Yes.

3 Q Okay. Is there a Research and Development

4 Department?

A Yes.

5 Q Is that a separate--

6 A No. It's part of the Operations Department.

7 Q Okay. How about a Legal Department?

8 A Legal Department you can add, yes. I'm sorry,

9 I forgot that one.

10 Q That's a separate one?

11 A That's a separate department too.

12 Q Is there a Leaf Department?

13 A Uh-huh.

14 Q Is that also a separate one?

15 A No.

16 Q What is that under?

17 A Operations.

18 Q Are there any other departments subsumed
19 under Operations other than Research and Development,
20 Leaf Department, I supposed Manufacturing?

21 A Manufacturing, Distribution.

22 Q Any others?

A I've

23 forgotten what, it's an inventory, management, control,
24 planning, that sort of thing.

25 Q What are the departments subsumed under

1 Sales and Marketing? A Well, in broad
2 terms we have a Marketing Department and a field Sales
3 Department.

4 Q How about Advertising?

5 A No. Marketing and Advertising are all under one
6 umbrella.

7 Q How about Finance Department, what depart-
8 ments are subsumed under that? A Well,
9 there are various functions in the Finance Department.
10 I think probably the most obvious breakout is the infor-
11 mation systems where, computers and stuff.

12 Q Anything else come to mind?

13 A No.

14 Q How about the employee relations?

15 A No.

16 Q That's what you've already described as
17 your own function? A Uh-huh.

18 Q And how about the Legal Department?

19 A That's it.

20 Q Okay. Do you do recruiting and training
21 for the Operations Department? A I have.

22 Q Okay. Do you know if there are any policies
23 for recruitment, and I'm talking about unwritten because
24 you've already testified about written, any unwritten
25 policies regarding recruitment of employees in the Operation

1 Department? A I don't understand
2 what you're asking me.

3 Q Well, are there any kind of guidelines
4 that you use in hiring people for the Operations Depart-
5 ment? A Well, in the broad
6 sense whenever we hire somebody, we have a job requisition
7 which describes what it is we want the, the talent we
8 want to try to find.

9 Q Who fills out the job requisition?
10 A The hiring supervisor.

11 Q Is that some one that works for you?
12 A No. It's the supervisor that does the hiring
13 for whom the person will ultimately work.

14 Q Okay. So it's the supervisor within the
15 department that needs a new employee?

16 A That's correct.

17 Q And they fill out a requisition and they
18 send it to your department? A That's
19 right.

20 Q So essentially you're just looking for
21 somebody that fits the particular needs of a particular
22 person who is looking for somebody at that particular time?

23 A That's right.

24 Q There's no overall broad guidelines with
25 respect to hiring? A No.

1 Q Is there any kind of a requirement,
2 formal or informal, that employees be smokers?

3 A No.

4 Q If we wanted to find out the percentage
5 of employees who smoke cigarettes, how would we do that?

6 A I haven't the foggiest idea.

7 Q Is there anybody that would, in the company
8 that would keep records on that sort of thing?

9 A No.

10 Q How about as part of the medical benefits
11 program, do employees have to indicate whether or not
12 they're smokers? A Not to my
13 knowledge.

14 Q The procedure you've described for hiring
15 in the Operations Department, does that hold true for
16 all the other departments? A With
17 the exception of the Field Sales Department where the
18 district offices spread around the country do their own
19 hiring.

20 Q How about the Legal Department, do you
21 hire attorneys for the Legal Department?

22 A They would follow the same procedure.

23 Q Okay. Are you basically familiar with the
24 function of each of the departments?

25 A In broad terms.

1 Q Okay. Do any of the departments send you
2 reports, information about what they are doing, about
3 what their functions are, about what is going on in
4 their departments at any given time?

5 A That's a very broad question. Can you narrow it
6 down for me?

7 Q Well, does the Operations Department, for
8 instance, ever send you any information about their
9 manufacturing process, about what they're doing?

10 A Let me give you an example. They would send me
11 the fact that they've changed their hours from 7:00 to
12 4:00 to 7:30 to 4:30. Is that what you mean?

13 Q That would be included in what I asked.
14 That's not what I'm interested in, though.

15 MR. DECKER: Maybe you can define what--

16 MS. WALTERS: I will. Okay.

17 Q Would the Manufacturing Department, for
18 instance, keep you informed of whether there is any
19 change in the type of cigarettes they were manufacturing?

20 A No.

21 Q How about in the type of leaf they were
22 purchasing?

A No.

23 Q How about with respect to Research and
24 Development, would they keep you informed of any work
25 they're doing in the area of Research and Development?

1 A No.

2 Q Would it ever be necessary to your job as
3 personnel manager to know the kind of work they were doing
4 in research and development? A In a
5 broad sense, yes.

6 Q Tell me what you mean by that.

7 A If they were looking for a chemist, we'd have to
8 get some idea, well, what are you looking for? What are
9 you going to do? So that when we talk with the applicant
10 we have, answer some very general questions about the
11 questions they might have.

12 Q So you want to know the nature of the
13 project they might be working on?

14 A No, it never gets that detailed. It's just a
15 general sense of what kinds of skills? Do you need a BS
16 in chemistry or do you need an MS in chemistry or where
17 is the emphasis, what have you.

18 Q Have you ever been made aware of any ongoing
19 research projects that were taking place in the Research
20 and Development Department? A I don't
21 understand that question.

22 Q Well, do you know about any of the research
23 projects that were going on in the Research and Development
24 Department?
25

MR. DECKER: You mean at any time?

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Q At any time from 1972 through to today.

A Well, I certainly have been aware of their attempts to, as they've worked with our Marketing Department, to develop different cigarettes. I've been aware of those efforts in a general sense.

Q How did you become aware of that?

A Just through conversations with Research people.

Q What was your understanding as to why they were attempting to develop different cigarettes?

A Trying to meet a perceived consumer need as explained by the marketing people.

Q When was this that you became aware of their attempt to develop different cigarettes? Was that an ongoing concern or was that some specific--

A I can't pinpoint a specific time. I'm just aware that that has happened over the years.

Q That's something that didn't happen once. It was something that you're aware of has happened from time-to-time over the years?

A Yes.

Q What did you mean by meeting the needs of the consumer?

A Well, the Marketing Department in their own, looking in their own crystal ball or whatever they used, determined that they might want a different kind of a cigarette, different kind of a package, and they asked the Research Department to try to

1 develop one for them.

2 Q In your discussions was the subject of
3 cigarettes and health brought up as a reason for changing
4 cigarettes? A No.

5 MR. DECKER: If we could aim at a point
6 which is convenient for you, we've been at it
7 for about an hour or so.

8 MS. WALTERS: Do you want to take a short
9 break?

10 MR. DECKER: Let's take a short break.
11 That would be fine.

12 MS. WALTERS: We can do it now if you like.

13 MR. DECKER: That would be fine.

14 (At this time a discussion was held off the
15 record.)

16 Q Mr. Mott, were you ever aware of any other
17 types of research or development taking place in the
18 Research and Development Department other than what you've
19 already testified to? A No, ma'am.

20 Q Do you know whether Liggett ever performed
21 any taste tests in cigarettes? A I know
22 that, yes. Yes.

23 Q What do you know about that?

24 A I only know that there were people who were involved
25 in a taste panel and who, I got it from hearsay, were

1 involved in smoking our products and evaluating them on
2 some basis.

3 We had no job category as a taste tester or taste
4 panelist, though.

5 Q When do you recall that these taste panels
6 were performed or whatever? A I

7 remember early in my beginnings of the company when I
8 scheduled, when I met with some of the research people
9 to get acquainted hearing about a taste panel.

10 Q Was that something that fell within the
11 function of the Research and Development Department?

12 A Yes.

13 Q Do you know if that was something that was
14 done through outside consultants or something that was
15 done in-house? A My understand-

16 ing is it was done with employees.

17 Q With employees? A Uh-huh.

18 Q Do you know what the purpose of the taste
19 panel was? A To taste the cigarettes.

20 Q For what purpose?

21 A To see whether they tasted or met the expectations
22 of what the Marketing Department was hoping to, met the
23 taste categories and the aroma that they wanted to obtain.

24 Q And this was around 1972 or shortly there-
25 after? A Well, it was, would have been

1 '73 when I became aware that that practice existed.

2 Q Do you know how long that practice had
3 existed before 1973? A No, I do not.

4 Q Did you know if that practice has continued
5 after 1973? A No, I do not.

6 Q So you were made aware of the practice
7 around '73, but you have no knowledge one way or the other--

8 A That's correct.

9 Q --whether it still continues today?

10 A That's true.

11 Q And that was something that was done within
12 the Research and Development Department?

13 A Yes.

14 Q Did they ever use your department, the
15 Personnel Department, to recruit taste testers, tasters?

16 A No.

17 Q Part of the deposition notice for the
18 deposition today requires, well, strike that.

19 Did you review the deposition notice for the
20 deposition today? A Yes.

21 Q Part of that deposition notice requires
22 you to bring any and all personnel files, Worker's Com-
23 pensation files, medical records, correspondence, memor-
24 anda and any other document which relates in any way to
25 any of the taste testers.

1 To your knowledge do any such documents exist
2 as they are described in this deposition notice?

3 A Yes.

4 Q Do you want to refer to this?

5 A No.

6 Q Which such documents exist?

7 A Personnel files, medical records and Worker's
8 Compensation files.

9 Q And these all exist as to the people that
10 were on the taste panels? A They
11 are records for all employees and we found the records
12 that, for the people that sat on these panels, yes.

13 Q Do you have those records today?

14 A Yes.

15 MR. DECKER: Can I make just a statement
16 to start with?

17 MS. WALTERS: Sure.

18 MR. DECKER: We have with us here today
19 the files with regard to the individual employees
20 who sat on the taste panels. These are personal
21 files about individual employees and they are
22 treated by the company as being private files.
23 We have files with regard to current employees
24 and with regard to former employees.

25 The company I think, speaking for the

1 company, feels a fiduciary responsibility to the
2 individual employees to keep their private affairs
3 private. We have not gone and asked their per-
4 mission to deliver these because we take it that
5 your notice of deposition or, yes, the notice of
6 deposition which was served September 6th demands
7 that they be produced and we have brought them
8 here today.

9 We do not concede that they are relevant
10 or will lead to the development or discovery of
11 admissible evidence, but they are here and being
12 produced for discovery.

13 They are the original documents that we
14 have here. We've made no copies. To the extent
15 that you will need copies down the line I want
16 to make clear that we are going to stamp them
17 confidential because they are the private and
18 personal files of employees. We have not decided
19 whether or not we have to notify those employees
20 if copies are made, but we will have to decide
21 down the line what we do with regard to notifying
22 them of that fact.

23 Anyway I think that is background which
24 really states how strongly we feel that we want
25 to keep a tight rein over the use of these documents

1 because they do deal with private lives of other
2 people.

3 MS. WALTERS: I suppose the first hurdle
4 is just for, may be to review them and see if we
5 do indsed want copies.

6 MR. DECKER: That's fine.

7 MS. WALTERS: When we do that, we will
8 all know whether we may or may not have any
9 further problem.

10 MR. DECKER: We have documents here if you
11 want to continue asking questions.

12 MS. WALTERS: Why don't you produce those
13 documents. Just let me get a general overview
14 of them.

15 MR. DECKER: Do you want to describe what
16 these documents are?

17 THE WITNESS: We have in these two bags
18 here fifty personnel files.

19 Q Okay. A These
20 names have been identified, have been given to me by our
21 research people as having served on taste panels at one
22 point in time over the years.

23 In this folder here we have medical records of any
24 of these people who had medical claims for whom we still
25 have records, and here in my hand I have copies of Worker's

1 Compensation claims, I think in all cases, but too it's
2 strictly the claim that, the claim form that went to the
3 insurance company. And this is the one set of records
4 we did copy. They are five by seven cards which were
5 really a forerunner in a sense of the personnel files
6 which existed in the Research Department.

7 As I've already testified, there was no Personnel
8 Department. So prior to my arrival there whatever was
9 kept on employees was kept based on whatever the manager
10 thought he ought to keep.

11 Q Were these all employees of the Research
12 Department? A Yes.

13 Q So all employees used in these taste tests
14 were employees of the Research Department?

15 A That's correct.

16 Q And there were only fifty employees used
17 total? A Yes. So, anyway so
18 that's what we have here.

19 Q Okay. A I might just
20 add, and you will see quickly that for some of the employees
21 who left the company years ago the personnel file is a
22 resting place for some memos which may have been written
23 to the bank to deposit checks, et cetera, and in other
24 cases there's salary information and performance appraisals
25 and so forth.

1 Q Have you looked through each of these
2 personnel files? A I have not.

3 Q Are you familiar with any of these
4 employees? A Yes.

5 Q Are you familiar with most of them?
6 MR. DECKER: Familiar in what sense?

7 Q Did you know them?

8 A Do I know them personally?

9 Q Yes. A I would say
10 I haven't actually thought of it in those terms, but I
11 think the answer is clearly no.

12 Q Are you familiar with any of the Worker's
13 Compensation files? A I have looked
14 at the Worker's Compensation files.

15 Q Did you review the cards that you called
16 a, the forerunner of the personnel files?

17 A No.

18 Q Do you know whether any of the fifty
19 employees that participated in the taste tests filed a
20 medical claim and/or Worker's Compensation claim based
21 on, no, strike that, just filed a medical claim, and let
22 me restart the question over.

23 Do you know whether any of the fifty employees
24 whose files you have here today filed any medical claim
25 based on a cigarette induced or related illness?

1 A No, I do not.

2 Q You do not? A I have
3 not reviewed the medical files.

4 Q Do you know whether any of the employees
5 who filed a Worker's Compensation claim filed a claim
6 based on cigarette induced or related illness?

7 A I do know that none of them did.

8 Q Do you know that from your review of the
9 files? A Yes.

10 Q Was that review of the files done in
11 preparation for the deposition today?

12 A Yes.

13 Q Would you have had any reason to be familiar
14 with the Worker's Compensation claim or file other than
15 the need for you to produce those records for the deposi-
16 tion today? A Say it again.

17 Q All right. Would you have been familiar
18 with the Worker's Compensation files for any purpose other
19 than appearing at the deposition today?

20 A Well, yes, because I have responsibility for
21 safety for the company and so therefore I'm familiar with
22 our security records and familiar with people who have
23 Worker's Compensation claims.

24 Q Is that something that you review periodi-
25 cally, the claims? A Yes, I review

1 them monthly.

2 Q Do you know whether any employee has filed
3 a Worker's Compensation claim based on cigarette induced
4 or related illness? A No, ma'am.

5 Q No, you don't know or--

6 A Yes, I know, and the answer is no.

7 Q Do you know whether any employee of Liggett
8 has ever filed a medical claim based on any cigarette
9 induced or related illness? A I do
10 not know.

11 Q Who would know that information?

12 A I don't know. The company has been in a existence
13 since 1911.

14 Q Is there any kind of central filing system
15 where the medical records of former employees are kept?

16 A The, as I've already explained to you, the Medical
17 Department was handled by our corporate organization and
18 following our company practice and policy as it relates
19 to records, they destroy records after seven years.

20 Q So you would have no medical records of
21 any employee who terminated employment more than seven
22 years ago? A Yes.

23 Q How about employees that terminated employ-
24 ment less than seven years ago or current employees, where
25 would their medical records be on file?

1 A Are you talking about for the taste testers?

2 Q No. I'm talking in general.

3 A They would be in Durham.

4 Q In what department?

5 A Well, it would be under the Benefits Department.

6 Q What individual would have those records
7 or knowledge of them? A Well,
8 there are several people, but I mean there are people in
9 my department who would know where they are.

10 Q What people are those, could you give me
11 their names? A Lorraine Addison and
12 Kay Kaufman.

13 Q And these are people in your department?

14 A Yes.

15 Q Is Carol Simmons still employed by Liggett?

16 A Yes.

17 Q Wanda Edens? A No.

18 Q Do you know where Wanda Edens is?

19 A Not precisely, no.

20 Q Rebecca Simms? A Yes.

21 Q Is she still employed?

22 A Uh-huh.

23 Q Clyde Bauckum? A No.

24 Q Do you know where he is?

25 A Greenville, South Carolina some place.

1 Q Frank Campbell?

2 A He is working for the corporation.

3 Q Elizabeth White?

4 A No. She's in Durham some place, but I don't know
5 where.

6 Q Vicky Ackerman?

7 A No, she's retired.

8 Q Andrea Hunt is still there?

9 A Yes.

10 Q What I want to do is just finish up my
11 questioning of you before we get to the documents and
12 marking of them. Maybe we can save some time that way.
13 Mr.--

14 MR. DECKER: Just for the purposes of the
15 record, just an extension of what I said earlier,
16 these are the entire files with one exception and
17 that is that the dependents' records within the
18 medical claim file have been pulled, but otherwise
19 these are complete files.

20 Q Mr. Mott, are you married?

21 A Yes.

22 Q When were you married?

23 MR. DECKER: Is this relevant to anything?

24 MS. WALTERS: It's just basic background on
25 the witness. I think it's relevant. It's background

1 information.

2 THE WITNESS: 1957.

3 Q Do you have any children?

4 A Yes, I do.

5 Q How many children do you have?

6 A I have three children.

7 Q What are their ages?

8 A Twenty-seven, twenty-four and twenty-one.

9 Q Do you smoke?

10 A No.

11 Q Have you ever smoked?

12 A Yes.

13 Q When did you smoke?

14 A In the early, late '50's, early '60's.

15 Q And you were a teenager when you began to
16 smoke? A Well, I started when I was
17 in college so, yes.

18 Q And how much did you smoke when you were
19 in college? A About a pack a day.

20 Q Did you ever smoke anymore than a pack a
21 day? A I don't know.

22 Q Do you recall how you quit smoking?
23 A Yes. My wife and I both smoked and at the time
24 the children were growing up we decided we'd both quit.
25 We felt it was, we didn't like the smell of the cigarette

1 smoke, nor did we like the ashes and the dirt and, that
2 comes with it and raising small children, we thought
3 that was inappropriate.

4 Q What was that? I'm sorry, I didn't hear
5 the last answer.

6 Could you read the last part of the response back.

7 (At this time the following was read back by
8 the reporter as follows: "ANSWER: Yes. My
9 wife and I both smoked and at the time the
10 children were growing up we decided we'd both
11 quit. We felt it was, we didn't like the smell
12 of the cigarette smoke, nor did we like the ashes
13 and the dirt and, that comes with it and raising
14 small children, we thought that was inappropriate.")

15 Q What was inappropriate with respect to
16 small children? A If you watch
17 a child pull over an ashtray full of cigarettes and ashes
18 on your rug, it's distasteful.

19 Q Okay. Did any medical doctor ever tell
20 you that you should not smoke? A No.

21 Q Did any other person ever tell you that
22 you should not smoke? A Not that
23 I recall.

24 Q Did anyone ever tell you that cigarettes
25 were bad for your health? A Well,

1 yes.

2 Q Who was that?

A I don't.

3 I don't know. I can't give you a specific.

4 Q How old were you at that point?

5 A I don't know.

6 Q Was that while you were smoking?

7 A I don't remember a specific incident, so I can't
8 answer that question.

9 Q Going back to your high school and college
10 years, do you recall being aware from any source that
11 cigarette smoking might be associated with health problems?

12 A No.

13 Q You were never aware of that?

14 A (Witness nods in the negative.)

15 Q How about today, are you aware of any
16 information that cigarette smoking may be associated with
17 health problems?

A Yes.

18 Q When did you first become aware of that
19 information?

20 A I guess about the time
21 that the Surgeon General published his report and made
22 tobacco companies start to put labels on packages, warning
23 notices on packages.

24 Q So 1964 is the first time you became aware
25 cigarette smoking--

A If that's when

the date was, yes.

1 Q Did you ever receive any information from
2 Liggett and Myers regarding smoking and health?

3 A No, ma'am.

4 Q When you were a young man did you ever
5 hear the term coughing sticks?

6 A Hear the name what?

7 Q Coffin nails, the term coffin nails?

8 A Yes.

9 Q You did. A Yes.

10 Q How about cancer sticks?

11 A Yes.

12 Q What did those terms mean to you?

13 A Some people thought smoking was bad for you.

14 Q And what did you think?

15 A I think the fact that I smoked did not, meant that
16 I didn't consider their opinion valid.

17 Q Other than those terms you had never, was
18 there any other information that you had ever received
19 that smoking might not be good for your health?

20 A No.

21 MR. PARRISH: You mean other than what he's
22 already testified to?

23 MS. WALTERS: The only thing he's testified
24 to in those early years is the two terms.

25 MR. PARRISH: That was my question. I didn't

1 understand your question to be--

2 MS. WALTERS: Right. That's what I meant.
3 My question was limited to the early period,
4 because he's already testified about knowledge
5 in the later period.

6 MR. PARRISH: That's why I asked.

7 MS. WALTERS: Okay.

8 Q Did you ever attend any conferences on
9 smoking or health or in which the subject of smoking and
10 health was raised? A No.

11 Q Any seminars? A No.

12 Q On that subject?

13 A No.

14 Q Do you have an opinion today as to whether
15 or not cigarette smoking is or is not harmful to health?

16 MR. DECKER: I object to this line of
17 testimony. This man is not dealing with the
18 company with regard to its policy or position on
19 smoking and health. He is in the Personnel
20 Department. He, this is way beyond his scope of
21 duties in the company and it seems to me that this
22 line of questioning can cease. I instruct him not
23 to answer.

24 MS. WALTERS: Just for the record, these
25 are precisely the questions that are posed by

1 attorneys for your client at depositions of non-
2 party witnesses. So that--

3 MR. PARRISH: Who know the decedent or
4 smoker.

5 MS. WALTERS: I don't think that makes
6 much difference.

7 MR. DECKER: We instructed Mr. Dey not
8 to answer at one point along the line. It seems
9 to me that I've gone as far and beyond what that
10 point was and Judge Cowen at a hearing on the
11 matter concluded that it was appropriate to cut
12 it off at that point.

13 BY MS. WALTERS:

14 Q Mr. Mott, are you refusing to answer that
15 question? A Yes, I am.

16 Q On the advice of counsel?

17 A I am.

18 Q Okay. Mr. Mott, who do you report to?

19 A K. V. Dey.

20 Q Are you member of the board of directors?

21 A Yes.

22 Q How long have you been a member of the
23 board of directors? A I would say
24 1979.

25 Q Who sets the policy within Liggett regarding

1 cigarette smoking and health?

2 A We don't have a policy regarding cigarette smoking
3 and health.

4 Q You don't have a policy. Does Liggett
5 have a position about smoking and health?

6 A Not that I'm aware of.

7 Q Do you know if Liggett takes the position
8 that cigarette smoking has not been established as a cause
9 of lung cancer? A Say that again.

10 Q Do you know if Liggett takes the position
11 that cigarette smoking has not been established as a
12 cause of lung cancer? A I don't
13 know that Liggett has made a statement, which as I just
14 asked you in answer to your former question, I don't
15 think they've taken a stand of that nature.

16 Q So on the entire time that you've been
17 on the board of directors since 1979 this has not come
18 up at any of the board meetings?

19 A There have been some opinions expressed by
20 individuals, but there has been no formal statement of
21 a company position that I'm aware of.

22 Q If I were to tell you that other representa-
23 tives of Liggett, including the chief executive officer,
24 have testified that Liggett does have what they referred
25 to as a position or a policy, would you disagree with that?

1 A I guess I'd have to have described to me what
2 the position or policy is.

3 Q The position or policy is what I've already
4 described, that cigarette smoking has not been established
5 as causing lung cancer. A I have
6 heard our chief executive officer, Mr. Dey, make those
7 comments, and I've heard other people on the board make
8 similar comments. I'm not aware that we have published
9 a position paper, if you will, or stated a written policy
10 that that is the case.

11 Q I'm not talking about a written position
12 or a written policy. I'm talking just about a policy or
13 position, period. A Well, unless
14 it is, well, all right. There has, I still stand by my
15 answer. There's been no Liggett and Myers says type of
16 thing. K. V. Dey has been quoted, as have others.

17 Q But this is not something that has come
18 up as a policy statement or position, per se, discussed
19 at board meetings, is that correct, since you've been a
20 member? A Yes. That's correct.

21 Q How frequently does the board of directors
22 meet? A We have a different structure
23 now. We have a management committee that meets monthly
24 and we have an executive committee which meets more fre-
25 quently than that and the executive committee is the

1 principal decision makers in the company, whereas the
2 management committee is more of an operating committee.

3 Q Are you on either or both of those
4 committees?

5 A I am on the manage-
ment committee.

6 Q Is there also a meeting of everybody
7 together, both committees? A Yes.
8 The executive committee attends when the management
9 committee meets, if possible.

10 Q Does the executive committee report back
11 to the board as a whole? A No.

12 Q Does the management committee report back
13 to the board as a whole? A No.
14 The boards never sit as a board.

15 Q So the board only sits in these two
16 committees? A The executive
17 committee are the policy makers and, to my knowledge,
18 you know, in recent years the board has never met as a
19 board, per se. People who are on the board are partici-
20 pants in the overall management and executive committee.

21 Q Is there a head of each department that
22 reports back to the board of directors?

23 A No. Well, let me, the board is more of a formal,
24 when resolutions have to be passed to the board that
25 somehow affect the company, the members of the board of

1 directors would sign off on it and there are people in
2 the tobacco company and there are people in the parent
3 corporation that sign off.

4 But in terms of the management of the company,
5 the management of the company is principal, lies princi-
6 pally with the executive committee. Members of the
7 management committee are made up of department heads.

8 Q Do department heads from each of the
9 departments then report directly to the executive
10 committee? A They report to their,
11 for instance, the Operations Department is made up of
12 three or four subdepartments as we discussed earlier.
13 Those people report to the vice president for Operations
14 who is on the executive committee. They do not report
15 to the committee per se. They report to the individual
16 on the committee.

17 Q And then does the individual on the committee
18 who is the head of the department I would assume, report
19 back to the board as a whole about what's going on within
20 his department? A To the board
21 as a whole?

22 Q Right. A No.
23 I've already told you the board never meets.

24 Q Right. How about to the executive committee
25 as a whole? A Yes. They participate

1 together around the table.

2 Q Well, for instance, does Research and
3 Development, does the head of Research and Development
4 report back to somebody, some committee as to what's
5 going on in Research and Development at any given point?

6 A It reports to his boss who sits on the executive
7 committee.

8 Q And does his boss tell the rest of the
9 executive committee what is going on in Research and
10 Development?

11 A Could, yes.

12 Q But is not required to?

13 A Not required to.

14 Q The same thing is--

15 A I would say to further expand, that he would
16 report those things which are germane. Obviously there
17 are lots of things that happen in all of the departments,
18 90 percent of which is of no interest to the board at all.

19 Q The same thing holds true with the Sales
20 Department?

21 A Yes.

22 Q And Marketing?

23 A Yes.

24 That's one and the same department.

25 Q Sales and Marketing. So there is no formal-
ized reporting back procedure. It is merely the depart-
ment heads that sit on the executive committee that will
bring to the attention of others anything that they feel

1 is germaine? A Yes, but I think
2 that's fairly formal.

3 Q Okay. And in the entire time that you've
4 been sitting on the board of directors you have not been
5 made aware of anything that's been going on in Research
6 and Development by way of research, per se?

7 A Well, now I testified earlier that I was aware
8 of their attempts to meet marketing demands with various
9 products and so forth.

10 Q But I thought you testified that was in
11 the early 1970's before you were on the board.

12 A No. I believe my testimony was that I was aware
13 of the taste testers, I became aware of them when I first
14 joined the company, but that I had no knowledge of their
15 procedural operations or whether, the needs or anything
16 since then.

17 Q Well, are you aware of any research per
18 se that is going on in the Research and Development
19 Department since 1979? A I can
20 think of one item that I'm aware of, yes.

21 Q And what is that item?

22 A Aware that there's been an attempt to cure tobacco
23 in a different, using a different process.

24 Q Do you know why that is being done?

25 A The feeling was that they could do, make cigarettes

1 cheaper.

2 Q And is that information that you have
3 learned through attending the board of directors meeting?

4 A No.

5 Q So no information regarding what's going
6 on in Research and Development then has been made known
7 to you through the board of directors meetings?

8 A I can't, I can't say no information, but it would
9 be information of a general kind, turnover of employees,
10 that sort of thing.

11 Q But nothing having to do with any of their
12 research projects? A No.

13 Q How about advertising?

14 A How about it.

15 Q Any information about advertising, has
16 that been made known to you through your position on the
17 board of directors since 1979?

18 A I would say the, that we have had reviewed market-
19 ing plans which may include some advertising.

20 Q Have those been written plans?

21 A No.

22 Q When were those plans reviewed that you're
23 talking about? What year was that?

24 A Each year we review a marketing plan.

25 Q Is that once annually?

1 A Sometimes it's more frequent than that.

2 Q Who presents the marketing plan?

3 A The marketing management.

4 Q Are they the same management that sit on
5 the board? A Yes. On the board,
6 no. Management committee, yes.

7 Q Okay. Since 1979 who would that be?

8 A Donald Fish, Steven Cohen.

9 Q Has there been to your knowledge any
10 marketing plan presented that involves any issues regard-
11 ing cigarettes and health? A No.

12 Q Do you use any kind of outside agency with
13 respect to your marketing or advertising?

14 A Yes.

15 Q And that's current. Who do you use
16 currently? A It's an agency in
17 Texas and I cannot remember the name of it offhand.

18 MR. DECKER: I think we're getting into,
19 or at least close to an area that is after January
20 1, 1982 and may or may not involve brands other
21 than those smoked by Rose Cipollone.

22 Q Do you recall the names of any outside
23 advertising agencies used before 1982?

24 A Yes.

25 Q What names do you recall?

1 A J. Walter Thompson.

2 Q Anybody else? A No.

3 Q How about Newell Ernst Advertising Agency?

4 A (Witness nods in the negative.)

5 Q Cunningham Walsh?

6 A Yes.

7 Q McCann Ericksen?

8 A Yes.

9 Q Danzer Fitzgerald?

10 A No.

11 Q Needham, Harper & Steers?

12 A Yes.

13 Q Compton Advertising?

14 A (Witness nods in the negative.)

15 Q North Advertising Company?

16 A (Witness nods in the negative.)

17 Q Earl Grissman Company?

18 A I'm familiar with, no.

19 Q Do you have any knowledge since sitting

20 on the board of directors about any of, about whether or

21 not there are any lobbying efforts made on behalf of

22 Liggett? A Lobbying in what

23 sense?

24 Q Lobbying for or against bills in Congress?

25 A Yes.

1 Q What is that? Is there lobbying activity
2 on behalf of Liggett? A Through
3 the Tobacco Institute there is some lobbying and the
4 issues, you know, workplace issues and sampling issues.

5 Q Do you know whether there is any lobbying
6 performed since 1979 to attack the Government's position
7 on smoking and health?

8 MR. PARRISH: I object to the form of the
9 question.

10 MR. DECKER: I object also to the form of
11 the question. Could you rephrase it?

12 MS. WALTERS: Would you read it back?
13 What's wrong with it?

14 MR. DECKER: I think it assumes an awful
15 lot of things. He would have to then answer in-
16 cluding that assumption.

17 MS. WALTERS: Read it back.

18 (At this time the following was read back by the
19 reporter as follows: "QUESTION: Do you know
20 whether there is any lobbying performed since
21 1979 to attack the Government's position on
22 smoking and health?")

23 Q Let me rephrase it. Do you know whether
24 Liggett has itself been involved or had anybody on its
25 behalf involved in lobbying activities since 1979 which

1 has been directed at an attack of the Government's position
2 on smoking and health?

3 MR. PARRISH: I object to the form of the
4 question.

5 THE WITNESS: I don't understand the ques-
6 tion.

7 Q Okay. You've already indicated that you're
8 aware of some lobbying activities on behalf of Liggett and
9 other companies through the Tobacco Institute.

10 A Correct.

11 Q And you said that, I believe, that it was,
12 your knowledge was limited to basically workplace issues.

13 A Yes.

14 Q Now I'm asking you whether you recall any
15 lobbying efforts by Liggett or by anybody on its behalf
16 with the purpose of attacking the Government position on
17 smoking and health?

18 MR. NAAR: What is the Government's posi-
19 tion on smoking and health? I don't know that
20 there is such an animal.

21 MS. WALTERS: Well, then the Government's
22 position that smoking is related to health problems.

23 MR. PARRISH: I object to the form of the
24 question.

25 MR. NAAR: I'm not aware of any Government

1 position that that is in fact the case.

2 THE WITNESS: I don't know how to respond
3 to that question.

4 Q Do you know whether any money, do you know
5 whether the Tobacco Institute is currently or has lobbied
6 since 1979 in any way on the issue of smoking and health?

7 A It has lobbied on, to curtail the antismoking
8 legislation as it relates to workplace, public accommoda-
9 tion, sampling, that sort of thing.

10 MR. PARRISH: Can I just get a clarifica-
11 tion. When you use the term "smoking and health,"
12 are you using that in the sense that it has been
13 used throughout this case, namely, lung cancer
14 and addiction, or are you using it in some other
15 way?

16 MS. WALTERS: I'm using it the way it's
17 been used throughout all the depositions that
18 have taken place in this case.

19 MR. PARRISH: So lung cancer and addiction?

20 MS. WALTERS: Yes.

21 MR. PARRISH: If we're limiting to lung
22 cancer, is that what it's been limited to through-
23 out this case? That's my question, I guess, is
24 what you mean when you say smoking and health.
25 I know that--

1 MS. WALTERS: I don't want to limit it
2 that way.

3 MR. DECKER: Well, Judge Cowen has limited
4 the discovery in this case to lung cancer and
5 addiction I believe in that case.

6 MS. WALTERS: Well, then obviously the
7 question has to be limited that way.

8 Q So the question is limited to lung cancer
9 and health. Go ahead. I think you were in the middle
10 of a response. A No. I think
11 I finished it.

12 MS. WALTERS: Could you read back his
13 response?

14 MR. DECKER: And the question, please.

15 (At this time the following was read back by the
16 reporter as follows: "QUESTION: Do you know
17 whether any money, do you know whether the Tobacco
18 Institute is currently or has lobbied since 1979
19 in any way on the issue of smoking and health?
20 ANSWER: It has lobbied on, to curtail the anti
21 smoking legislation as it relates to workplace,
22 public accommodation, sampling, that sort of
23 thing.")

24 Q That's the extent of your knowledge?

25 A Yes.

1 Q Is that knowledge something that you've
2 acquired through your membership and the board of directors?

3 A No.

4 Q How did you acquire that information?

5 A I'm on a committee with the Tobacco Institute.

6 Q What committee are you on?

7 A State Activities Policy Committee.

8 Q And what is that committee?

9 A It's a committee that assists the lobbyists in
10 this kind of, combatting this kind of legislation.

11 Q Do you know why they are combatting that
12 kind of legislation? A Do I know why?
13 Ask me again.

14 Q Tell me why they are lobbying against that
15 kind of legislation. A They think
16 it's unfair.

17 Q Why? A Because it's
18 government interference in our right to sell our product.

19 Q And that's the sole reason?

20 A Uh-huh.

21 Q Are you on any other committees of the
22 Tobacco Institute? A No.

23 Q Do you hold any other position with the
24 Tobacco Institute? A No.

25 Q Are you a member of the Tobacco Merchants

1 Association? A No.

2 Q Are you a member of the Counsel for
3 Tobacco Research? A No.

4 Q Do you know anything about their work?
5 A No.

6 Q Do you know anything about the work, the
7 consulting work of Arthur D. Little with Liggett?

8 A No.

9 Q Do you know if Arthur D. Little still
10 consults with Liggett? A I do not.

11 Q Do you know who Sam White is?
12 A Yes.

13 Q Who is he? A I met
14 him in my early employment and I think he was involved in
15 the marketing.

16 Q Do you know if he's still with Liggett?
17 A He's not.

18 Q Do you know where he is?
19 A No.

20 Q Do you know a Mr. Sabater, S-a-b-a-t-e-r?
21 A No.

22 Q Do you know a J. R. Locke, L-o-c-k-e?
23 A What's his first name?

24 Q I'm not sure. J. R.
25 A I know a John Locke.

1 Q Was he an employee of Liggett?

2 A Yes.

3 Q Is he still an employee of Liggett?

4 A No.

5 Q What kind of employee was he? What was
6 his title? A He was, I can't give
7 you a precise title. He assisted the vice president of
8 manufacturing.

9 Q And when was he employed?

10 A He preceded me and he left somewhere around 1978
11 or '79.

12 Q Do you know where he is today?

13 A No.

14 Q When was the last time you saw Mr. Locke?

15 A '78 or '79.

16 Q Do you recall a Dr. Darkis who worked in
17 Research and Development? A No.

18 Q Does Liggett have a Medical Department?

19 A We have a dispensary.

20 Q What department does the dispensary come
21 under? A Under the factory personnel
22 manager.

23 Q What is the purpose of having a dispensary?

24 A The dispensary is there to administer first aid
25 to factory workers who are hurt, injured on the job,

1 working with equipment and so forth.

2 Q Is there a doctor on staff?

3 A No.

4 Q Who staffs the dispensary?

5 A We have three registered nurses.

6 Q Has there ever been a doctor on staff at
7 Liggett? A No, not since my time.

8 Q Does Liggett have annual physical exams
9 of its employees? A We have for
10 certain executives.

11 Q Which executives?

12 A Executives who are paid at a certain level.

13 Q The higher level executives?

14 A Yes.

15 Q Who does the physical exams currently?

16 A It's at the option of the employee.

17 Q You mean the employee selects their own
18 physician? A We have, let me qualify

19 the answer. We have a, an arrangement with a, a clinic
20 at Duke who does physicals for those that choose to go
21 to that clinic and then for other employees who choose
22 to go with their own doctors. So they can do either or.

23 Q Who is responsible for the annual physical
24 exam program? A I am.

25 Q Did you review the medical reports?

1 A No. We do not review any report from the doctor.

2 Q You just essentially pay for the exam?

3 A The purpose of the exam is to provide to the
4 employee a snapshot of his or her health and they then
5 are free to do with the information as they wish. We do
6 not get a copy of the report.

7 Q Why don't you get a copy of the report?

8 A Just have never felt it's necessary. This is a
9 personal matter. We're trying to encourage employees to
10 take care of themselves.

11 MS. WALTERS: I have nothing more except
12 to go through the documents and have them marked.

13 MR. DECKER: I'm not sure how, these are
14 working files, ongoing files. I'm not sure
15 exactly what it is we want to do or how we want
16 to mark anything here. This is a file for a
17 particular employee and, as I said before, we
18 have not made copies of these down the line. This
19 is the ongoing file that the employee has down
20 the line. I don't know how you would want to have
21 these marked or whatever.

22 MS. WALTERS: Why don't I take a look
23 through them and then figure it out.

24 MR. DECKER: Okay.

25 MS. WALTERS: Is there a master list here

1 of the names of the employees?

2 MR. DECKER: Yes.

3 MS. WALTERS: Why don't we have that
4 marked.

5 (Master list of names of employees files produced
6 is received and marked as exhibit P-1 for
7 identification.

8 At this time a short recess was taken.)

9 MS. WALTERS: I've taken a quick look at
10 the documents that have been produced today and
11 everybody is agreed that Mr. Mott will be kind
12 enough to leave these records here for the next
13 week or so and that we will get a paralegal down
14 here to take a look through them and see what,
15 if anything, we need to have duplicated, and aside
16 from that the deposition is over.

17 MR. DECKER: That's fine.
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
HONORABLE H. LEE SAROKIN

ROSE D. CIPOLLONE and
ANTONIO CIPOLLONE, her
husband,

Plaintiffs,

- vs -

CERTIFICATE

LIGGETT GROUP, INC., A
Delaware Corporation, et als,

Defendants.

I, COLIN J. DUFFY, a Notary Public of the State of New Jersey, duly commissioned and qualified therein do hereby certify that, on the 30th day of October, 1985, there came before me at Woodbridge, New Jersey, the following named person, to wit, DONALD E. MOTT, who was by me duly sworn to testify to the truth and nothing but the truth of his knowledge touching and concerning the facts in controversy in this case; that he was thereupon carefully examined upon his oath and his examination reduced to typewriting under my supervision; that the deposition is a true record of the testimony given by the witness.

I further certify that I am neither attorney nor counsel for, nor related to or employed by, any of the parties in the action in which this deposition was taken and further that I am not a relative or employee of any attorney or counsel in this case, nor am I financially interested in the action.

In witness whereof I have hereunto set my hand and affixed my notarial seal this 10th day of November, 1985.

Colin J. Duffy
A Notary Public of the State of New Jersey

My Commission expires on November 1990